

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2001-711

October 30, 2001

MARCHAIN CRANE
Appeal of Consumer Assistance Division
Decision #2001-9708 Regarding Pine
Tree Telephone Company

ORDER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. SUMMARY

In this Order, we uphold the decision of our Consumer Assistance Division (CAD) finding that Pine Tree Telephone correctly billed two of the lines to the residence of Mr. Marchain Crane at business rates.

II. BACKGROUND

The attached October 9, 2001, decision issued by CAD correctly summarizes the background of this case. Most recently, on June 20, 2001, we referred this matter back to the CAD to gather additional information from Mr. Crane about his use of two lines in his residence. We directed CAD to "ask Mr. Crane to provide any evidence he has that each of the lines in dispute is used more for personal than for business purposes." We also directed CAD to obtain a contact person at Mr. Crane's employer to determine how it viewed these lines.

As explained in its October 9 decision, CAD contacted both Mr. Crane and his employers seeking this information. Mr. Crane provided no additional information in support of his contention that these should be residential lines. The information CAD gathered about the calls indicates that most of the calls related to the two jobs Mr. Crane held during the period in question. We note that both Pine Tree and AT&T have now reclassified the lines as residential as Mr. Crane is no longer employed.

III. DECISION

In his letter appealing the decision, Mr. Crane provides no additional evidence or new argument as to why the CAD decision is incorrect. Therefore, we uphold the decision of CAD and decline to investigate this matter further.

Dated at Augusta, Maine, this 30th day of October, 2001.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.